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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,241	07/30/2003	Roger Blot	Serie 5856	9384

7590 09/27/2006

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EXAMINER

SHAW, CLIFFORD C

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,241	Applicant(s) BLOT ET AL.	
	Examiner Clifford C. Shaw	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15, 17, 18, 20, 23, 24, 26, 28, 30-36 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 17, 18, 20, 23, 24, 26, 28, 30-36 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.) Claims 12-15, 17, 18, 20, 23, 24, 26, 28, 30-36, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaidya et al. (6,051,805) taken with the WIPO document no. WO02/058878 (cited by applicant). The patent to Vaidya et al. (6,051,805) discloses a method and system of managing an electric arc welding shop with features claimed, including: practicing the method for the express purpose of increasing the welding efficiency of a welding shop (see column 1, lines 5-10 wherein the statement is made: "...the present invention relates to methods and apparatus designed to increase the welding productivity of a manufacturing shop"); monitoring several torches as discussed at column 5, lines 12-15; monitoring average wire feed speed and electrical current as discussed at column 5, lines 15-35; determining productivity factors associated with duty factor or deposition rate as discussed at column 1, lines 39-55. In regard to the claim limitations calling for remotely transmitting data to a central remote control device, the processing units in Vaidya et al. (6,051,805) are clearly remote from the speed or current sensors (see the processing unit 34 remotely connected by means of 36 to welding cable 20 in figure 1. The actual wire speed and current sensors must be remote from box 34). The tables 2-5 in Vaidya et al. (6,051,805) show that various types of data

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from multiple welding stations (i.e., from multiple units 34) are averaged together. This averaging must necessarily involve collecting data at some central location. The claims differ from Vaidya et al. (6,051,805) in calling for the use of a communication network to transmit monitored welding parameters to a central device and in calling for an increase in welding shop efficiency by an average of at least 41%. These differences do not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used any well known technique to join the multiple monitors taught by Vaidya et al. (6,051,805). In particular, it would have been obvious to have used a communication network as claimed, the motivation being the teachings of the WIPO document no. WO02/058878 that such is advantageous for monitoring multiple welding stations from a central device (see the abstract and figure 1 of the WIPO document no. WO02/058878, note the use of network 40 to effect the monitoring at 78 of weld stations 10). In regard to the claim language calling for a 41% increase in efficiency, the same does not patentably distinguish over the prior art. The patent to Vaidya et al. (6,051,805) explicitly states that the purpose of the method and apparatus disclosed is to increase welding productivity, i.e., efficiency. It is considered obvious that the measurements and evaluations performed in the approach taught by Vaidya et al. (6,051,805) would be used to increase productivity to a maximal amount for any particular welding shop, the motivation being the well known desire in a business to increase return on a capital plant. Depending on the starting level of productivity, this increase could be any arbitrary amount, including the 41% claimed by applicant, thereby satisfying the claims.

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3.) Applicant's "Remarks" in the amendment filed on 8/188/2006 have been given careful consideration, but are not persuasive of patentability. The claims are considered unpatentable for the reasons set forth above.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Patrick J. Ryan, can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
Art Unit 1725

September 25, 2006